

Lowell Zoning Board of Appeals Minutes

December 13, 2021 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Chairman Perrin, Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Procope

Members Absent: Member Njoroge

Others Present: Francesca Cigliano, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 12/13/2021 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Chairman Perrin called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2021-34

Petition Type: **Variances**

Applicant: **Julio Cortez**

Property Located at: **242 Lakeview Ave 01850**

Applicable Zoning Bylaws: **Section 5.1; Section 5.3**

Petition: **Mr. Julio Cortez has applied to demolish a vacant single family home and bakery at 242 Lakeview Avenue and replace them with a two family home. The property is located in the Traditional Multi Family (TMF) zoning district, and requires multiple variances under Section 5.1 for front and side yard setbacks, minimum lot area, and minimum lot area per dwelling unit, and under Section 5.3 for landscaped open space, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

None. The applicant was not present at the hearing.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to continue the hearing to the January 24 ZBA meeting. The motion passed unanimously, (5-0).

II. New Business

ZBA-2021-51

Petition Type: **Variances**

Applicant: **Eriberto Garcia**

Property Located at: **84 Cambridge Street 01851**

Applicable Zoning Bylaws: **Section 4.5**

Petition: **Eriberto Garcia has applied to the Zoning Board of Appeals to construct a second story addition at 84 Cambridge Street within the side yard setback. The property is located in the Traditional Two Family (TTF) zoning district and requires Variance approval under Section 4.5 to extend a nonconforming side yard setback and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Eriberto Garcia, Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech commented that he does not have any concerns since the requested relief is minimal.

S. Callahan asked if it would be maintained as a two family. E. Garcia said yes. S. Callahan asked if he plans on moving in. E. Garcia said yes. S. Callahan said he would like to see floor plans because he is concerned about a second means of egress. F. Cigliano commented that the building inspector will make sure that there are two means of egress per unit per MA Building Code.

M. Briere, G. Procope, and G. Perrin agree with the other Board members and stated that they support the petition.

Motion:

S. Callahan motioned and V. Pech seconded the motion to approve the variances. The motion passed unanimously, (5-0).

ZBA-2021-55

Petition Type: **Variances**

Applicant: **Boston Capital**

Property Located at: **733-735 Broadway Street 01854**

Applicable Zoning Bylaws: **Section 8.1; Section 5.1; Section 5.2; Section 5.3; Section 6.1**

Petition: **Boston Capital has applied to the Zoning Board of Appeals to redevelop the historic mill building at 733-735 Broadway Street into 53 affordable housing units. The project includes the redevelopment of the existing structure and the construction of an addition to include additional**

housing, a management office, and parking. The subject property is located in the Traditional Multi-Family (TMF) zoning district and requires Site Plan Review approval per Section 11.4, Special Permit approval per Section 8.1 for the conversion of a historic structure, and Special Permit approval per Section 4.5 for the conversion from one non-conforming use to another non-conforming use from the Lowell Planning Board. The project also requires Variance approval per Section 6.1 for relief from the off-street parking and landscaping requirements, Variance approval per Section 8.1 for relief from the Historic Conversion requirements, Variance approval per Section 5.1 for relief from dimensional requirements, Variance approval per Section 5.2 for relief from special dimensional requirements, and Variance approval per Section 5.3 for relief from the landscaped open space requirement from the Lowell Zoning Board of Appeals, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Rich Mazzocchi, the Applicant
Cliff Boehmer, Applicant's Architect
Brian Geaudreau, Applicant's Engineer
Bill Martin, Applicant's Architect

Speaking in Favor:

Deb Chausse, Executive Director of House of Hope Lowell
Amy Pessia, Executive Director of Merrimack Valley Food Bank

D. Chausse said that she is a Lowell resident speaking in support of the proposal because it is a great reuse of an industrial site. It will provide new affordable housing. It will reduce competition for affordable housing and will free up other housing stock. Boston Capital and House of Hope have agreed that several will be targeting homeless families. Boston Capital was the first private funder of their internship program and "adopts" homeless families during the holiday season. Davis Square Architects is always attentive to neighborhood needs.

A. Pessia said that the MVFB currently occupies the space at 733 Broadway Street. 4-5 tractor trucks regularly enter/exit the site. There are challenges in traffic. But, since the bridge has opened, they have seen improvements. The project makes sense for all involved – for the families that need housing, and for the food bank. It just makes sense.

Speaking in Opposition:

Rosanne, neighbor on Walker Street

Rosanne expressed concern about traffic and lack of parking in the area. She is concerned about the density with 50+ units constructed on only 0.6 acres.

Discussion:

D. McCarthy shared that he is overwhelmed with the applicant's attention to detail. Something of this skill at this site would be tremendous. They are retaining the mill portion and incorporating it into the new project. He has some questions about massing changes. He is impressed with the thoroughness of their application.

G. Procope said that he thinks that this is a great project. Traffic is a problem throughout the entire city. The applicant said that they would be implementing a traffic management plan. G. Procope appreciates that the applicant is paying attention to the issue and are willing to make changes. He thinks this would be a great long-term project and he looks forward to seeing it completed.

S. Callahan said he likes the project overall. A lot of relief is being requested relative to the size of the project and number of units. Why 52 units and why 4 stories?

R. Mazzocchi said that the density is needed to achieve economies of scale needed when developing affordable housing. Typically they do 80-100 units. To provide meaningful parking on site under the building, they needed to have a critical mass of units to support the development costs. He feels that this is appropriate in light of the overall neighborhood and neighboring LHA property.

B. Martin added that this is how Lowell is developed. This project was designed to fit in with the mill façade and is comparable to the building that is there already.

S. Callahan asked about on-site management for the rentals. R. Mazzocchi said that there will be on-site management that will be staffed full time.

G. Perrin said that this project is overdue. The applicants took the character of the neighborhood and adjacent mills into play. It will be a breath of fresh air for the neighborhood and he looks forward to the outcome.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to approve the Variances with the following conditions:

- 1) The applicant shall reserve no less than one (1) parking space per dwelling unit; and
- 2) The residents shall only be able to access the parking area using a parking pass to ensure that each unit has its own parking space.

The motion passed unanimously, (5-0).

ZBA-2021-56

Petition Type: **Variance**

Applicant: **Chuck and Vanna Sart**

Property Located at: **208 Parkview Ave 01852**

Applicable Zoning Bylaws: **Section 6.1.10**

Petition: **Chuck and Vanna Sart has applied to the Zoning Board of Appeals to construct a driveway within the side and building setbacks at 208 Parkview Ave. The property is located in the Suburban Single Family (SSF) zoning district and requires Variance approval under Section 6.1.10 and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Chuck Sart, the Applicant

Ian Ainslie, Applicant's Engineer

Speaking in Favor:

Elle Collins, 212 Parkview Ave

E. Collins said that she believes the Board should grant the request. The applicant is an excellent neighbor and is very helpful.

Speaking in Opposition:

None

Discussion:

G. Procope asked about the part of the driveway constructed on an adjacent property. I. Ainslie said that the paving is less than a foot over the property line according to a survey. It will be removed.

M. Briere said that he believes the Board can grant relief.

D. McCarthy added that he would like the stormwater team to OK the plans for drainage.

S. Callahan said that this proposal makes sense and that he is in agreement with the condition that D. McCarthy proposed.

Motion:

S. Callahan motioned to approve the Variances with the following conditions:

1) The application is subject to stormwater review and approval.

The motion was seconded by G. Procope and passed unanimously, (5-0).

ZBA-2021-57

Petition Type: **Special Permit**

Applicant: **Beth Israel Lahey Health Behavioral Services**

Property Located at: **259 Baldwin Street 01851**

Applicable Zoning Bylaws: **Section 4.5**

Petition: **Beth Israel Lahey Health Behavioral Services has applied to the Zoning Board of Appeals to operate a residential recovery home for women with a substance use disorder and their children at 259 Baldwin Street. The property is located in the Suburban Single Family (SSF) zoning district and requires a Special Permit under Section 4.5 to change from one nonconforming use to another nonconforming use and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

John Cox, Applicant's Attorney

Hilary Jacobs, President of Beth Israel Lahey Health Behavioral Services

Speaking in Favor:

None

Speaking in Opposition:

Joann Milisci, 235 Baldwin Street

J. Milisci asked where the smoking area would be.

Discussion:

J. Cox said they would locate the smoking area closer to Westford Street. M. Hamor confirmed they would also be able to install a fence along the shared lot line with 235 Baldwin Street.

V. Pech commended the applicant on the thoroughness of their application. V. Pech said social services are needed in the City and that this would be a good repurposing of a nursing home.

M. Briere commented that this is an easy vote for him and that the building is conducive to the intended use. S. Callahan agreed with his fellow board members. G. Perrin said that the services are needed and commended the applicant.

Motion:

S. Callahan motioned to approve the Special Permit. The motion was seconded by M. Briere and passed unanimously, (5-0).

S. Callahan motioned to approve the variance. The motion was seconded by V. Pech and passed unanimously, (5-0).

ZBA-2021-58

Petition Type: **Special Permit**

Applicant: **Batten Bros, Inc.**

Property Located at: **691 Rogers Street**

Applicable Zoning Bylaws: **Section 6.3**

Petition: **Batten Bros. Inc, has applied to the Zoning Board of Appeals on behalf of Salem Five Bank, for an internally illuminated sign at 691 Rogers Street. The property is located in the Regional Retail zoning district (RR), and requires a Special Permit under Section 6.3 and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Jeff Sarra, Batten Bros Signs

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan commented that the sign had a nice design. The other Board members agreed and found that there would be no adverse impacts.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to approve the Special Permit. The motion passed unanimously, (5-0).

ZBA-2021-60

Petition Type: **Variances**

Applicant: **Ra Nou**

Property Located at: **15 Clifford Street**

Applicable Zoning Bylaws: **Section 5.1; Section 6.1.10**

Petition: **Ra Nou has applied to the Zoning Board of Appeals to construct a garage that would not meet the front yard setback and a driveway that would exceed the maximum allowed Floor Area Ratio (FAR) in the**

Suburban Neighborhood Single Family (SSF) zoning district. The application requires Variance relief under Section 5.1 for the front yard setback, Section 6.1.10 for the curb cut, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Ra Nou, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan asked if the applicant had read the comments. R. Nou said yes briefly. R. Nou said that he is concerned about moving the garage back from the street because it may conflict with the bulkhead and he wants to preserve the backyard.

G. Procope commented that he would vote in favor.

D. McCarthy commented that there is already a lot of off-street parking at this house and they are looking for more. He is concerned about residents parking in the paved area in front of the driveway which is not enough space for a compliant parking space. D. McCarthy also commented that it would be good to reduce the driveway width from 30-ft to 28-ft. R. Nou agreed.

Motion:

S. Callahan motioned to approve the variances with the following conditions:

1) The driveway width shall not exceed 28ft.

V. Pech seconded the motion and it passed unanimously, (5-0).

III. Other Business

74-76 Beaulieu Street – Minor Modification Request

The applicant is seeking the removal of a condition placed on the property's Special Permit for Use in 2004. This Special Permit allowed the property to be used as a 3-family building if it remained owner-occupied. The applicant recently purchased the building and is requesting that this condition is waived.

On Behalf:

David Plunkett, Applicant's Attorney

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

The Board members discussed the memo issued by the Law Department dated December 3, 2021 which found that the special condition placed on the Special Permit is not legal.

Motion:

S. Callahan motioned and M. Briere seconded the motion to accept the minor modification. The motion passed unanimously, (5-0).

610 Gorham Street – Administrative Review

This application is before the Board to satisfy a condition of approval for a parking variance for 610 Gorham Street granted on February 2, 2021. The Board conditioned that there be a 6-month administrative review to evaluate the success of the reduced parking to 4 off-street parking spaces. The building has not yet received occupancy.

Discussion:

F. Cigliano noted that the administrative review would be conducted 6 months post-occupancy and that the building is currently still under construction.

Election of Officers

G. Perrin motioned to nominate S. Callahan as Clerk. D. McCarthy seconded the motion and it passed unanimously, (5-0).

G. Perrin motioned to nominate V. Pech as Vice Chairman. S. Callahan seconded the motion and it passed unanimously, (5-0).

V. Pech motioned to nominate G. Perrin as Chairman. M. Briere seconded the motion and it passed unanimously, (5-0).

Minutes for Approval:

11/22/2021

S. Callahan motioned and D. McCarthy seconded the motion to approve the minutes. The motion passed unanimously, (5-0).

IV. Adjournment

S. Callahan motioned and G. Procope seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 10:19PM.